REMARKS/ARGUMENTS

Before this Amendment, claims 1-10 were canceled and claims 11-18 were pending. With this Amendment, claims 11-18 are cancelled and new claims 19-27 are submitted for consideration. No new matter has been added.

In the Office Action of March 14, 2006, the Examiner rejected claims 11-18 under 35 U.S.C. §112 second paragraph, claims 16-18 under 35 U.S.C. §101, claims 11-13 and 15-18 under 35 U.S.C. §103(a) over Burgess et al. (U.S. Patent 5,796,633, hereafter "Burgess") in view of Hasbun et al. (U.S. Patent 6,311,290, hereafter "Hasbun") further in view of Chong et al. (U.S. Provisional Application 60/392,022, hereafter "Chong"). The Examiner rejected claim 14 under 35 U.S.C. §103(a) over Burgess in view of Chong, further in view of Voigt et al (U.S. Patent 5,463,776, hereafter "Voigt") further in view of Hoyer et al. (U.S. Patent 6,243,105, hereafter "Hoyer").

With this Amendment, Applicants submit new claims 19-27 believed to address the §112 and §101 concerns and believed to distinguish the claimed invention over the art of record.

Claim 19 includes "detecting an amount of free space" of a storage area so that items of performance data to be stored may be selected depending on the detected free space of the storage area. Claim 23 is an apparatus claim corresponding to claim 19, and claim 27 is a computer program product claim corresponding to claim 19.

If the storage area is not large enough to store the entire performance data, various aspects of the present invention may reduce the size of the area needed to store the performance data, or may make the storage interval longer. Further, in some aspects, when the free space of the storage area is too small relative to the entire performance data, then old performance data stored in the storage area may be deleted to reserve the area for newly stored performance data.

In some aspects, performance summary data may be generated, and the performance summary data may be stored using relatively small space in the storage area.

With respect to the Burgess reference, Applicants submit that Burgess monitors computer performance, collects performance information at predetermined intervals, and transfers the collected information to a monitoring computer. The monitoring computer manages the received performance information in a database and issues a warning when the data capacity reaches an alert level. Burgess teaches a performance data collecting method, but Applicants submit that Burgess does not teach or suggest the performance data storage method of the instant claims.

With respect to Hasbun, Applicants submit that Hasbun relates to allocation, writing, reading, de-allocation, and re-allocation of nonvolatile memory. As shown in Figs. 30 to 33, copy data size is compared with available space size. If the copy data size is larger than the available space size, the portion of the copy data that is equal to the available space size is stored into the available space, and the remaining portion of the copy data is stored in other space. Hasbun therefore changes the copy data size depending on the free space size. However, Applicants submit that Hasbun does not teach or suggest the present invention. For example, Hasbun does not change the items (type) of acquired data.

With respect to Chong, Applicants submit that Chong shows a level of monitoring in section [0014]. Chong monitors the performance of an application program while changing the contents of the performance data to be acquired depending on the monitoring level set by the user. Chong selects the size of the performance data to be acquired in accordance with the level set by the user, while in distinction, various aspects of the present invention change the performance data items to be acquired depending on the free space size in the storage area. Further, Chong shows defining a monitoring schedule in accordance with a user indication, as shown in section [0017]. Chong does not teach or suggest setting the monitoring interval depending on the free space size of the storage area. Therefore Applicants submit that Chong

differs from the instant claims at least in the to-be-acquired data item changing scheme and in the monitor interval setting scheme.

With respect to Hoyer, Applicants submit that Hoyer executes an overwrite when the overwrite mode is set, and sends/receives performance data using the SNMP protocol as shown on column 9, lines 23 to 39. Hoyer is silent on how to delete the old performance information.

Accordingly, Applicants submit that the present invention is distinguished over the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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